

Senator Margaret Dayton proposes the following substitute bill:

SCHOOL DISTRICT LEAVE POLICIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in the State System of Education code related to association leave.

Highlighted Provisions:

This bill:

- ▶ prohibits a local school board from granting paid association leave for certain employee association or union duties;
- ▶ requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that exceeds 10 business days that the employee is on:
 - unpaid association leave; or
 - participating in certain paid association leave activities;
- ▶ defines terms; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

§B0077§01

1st Sub. S.B. 77

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53A-3-425**, as enacted by Laws of Utah 2002, Chapter 312

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **53A-3-425** is amended to read:

32 **53A-3-425. Association leave -- District policy.**

33 (1) As used in this section[~~,"association leave"~~]:

34 (a) "Association leave" means leave from a school district employee's regular school
35 responsibilities granted for that employee to spend time for association, employee association,
36 or union duties.

37 (b) "Employee association" means an association that:

38 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment;

39 or

40 (ii) performs union duties.

41 (2) (a) A local school board may not allow paid association leave for a school district
42 employee to perform employee association or union duties.

43 (b) Prior to [any] a school district employee's participation in paid or unpaid
44 association leave, a local school board shall adopt a written policy that governs association
45 leave.

46 (c) A local school board policy that governs association leave shall require
47 reimbursement to the school district of the costs for an employee, including benefits, for the
48 time that exceeds 10 business days during a fiscal year that the employee is:

49 (i) on unpaid association leave; or

50 (ii) participating in a paid association leave activity described in Subsection (3)(g) that
51 does not provide a direct benefit to education within the school district.

52 (d) A reimbursement required under Subsections (2)(c) or (3)(g) may be provided by
53 an employee, association, or union.

54 (3) If a local school board adopts a policy to allow paid association leave, the policy
55 shall include procedures and controls to:

(a) ensure that the duties performed by employees on paid association leave directly benefit education within the school district;

(b) require the school district to document the use and approval of paid association leave;

(c) require school district supervision of employees on paid association leave;

(d) require the school district to account for the costs and expenses of paid association leave;

(e) ensure that during the hours of paid association leave a school district employee may not engage in political activity, including:

(i) actively campaigning for candidates for public office in partisan and nonpartisan elections; and

(ii) fundraising for political organizations, political parties, or candidates;

(f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits education within the district; and

(g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.

(4) If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (2) or (3) may be used for disciplinary action under Section 53A-8-104.